



House of Representatives

File No. 628

General Assembly

February Session, 2000

(Reprint of File No. 413)

Substitute House Bill No. 5128
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 14, 2000

An Act Concerning Applications For Payment Of Crime Victims' Compensation.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 54-211 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (a) (1) No order for the payment of compensation shall be made
4 under section 54-210, as amended, unless the application has been
5 made within two years after the date of the personal injury or death,
6 and the personal injury or death was the result of an incident or
7 offense listed in section 54-209 which has been reported to the police
8 within five days of its occurrence or, if the incident or offense could
9 not reasonably have been reported within such period, within five
10 days of the time when a report could reasonably have been made. (2)
11 Notwithstanding the provisions of subdivision (1) of this subsection,
12 any person who fails to make application for compensation within two
13 years after the date of the personal injury or death as a result of
14 physical, emotional or psychological injuries caused by such personal
15 injury or death may apply for a waiver of such time limitation,

16 provided in no event may such application for waiver of the time
17 limitation be filed later than six years after the date of such personal
18 injury or death. The Office of Victim Services, upon a finding of such
19 physical, emotional or psychological injury, may grant such waiver. (3)
20 Notwithstanding the provisions of subdivision (1) of this subsection,
21 any minor who fails to make application for compensation within two
22 years after the date of the personal injury or death through no fault of
23 the minor, may apply for a waiver of such time limitation, provided in
24 no event may such application be filed later than two years after such
25 minor attains the age of majority, or seven years after the date of the
26 personal injury or death, whichever is sooner. The Office of Victim
27 Services, upon a finding that such minor is not at fault, may grant such
28 waiver. (4) Notwithstanding the provisions of subdivision (1) of this
29 subsection, a person who is a dependent of a victim may make
30 application for payment of compensation not later than two years from
31 the date that such person discovers or in the exercise of reasonable care
32 should have discovered that the person upon whom the applicant was
33 dependent was a victim or ninety days after the effective date of this
34 act, whichever is later. Such person shall file with such application a
35 statement signed under penalty of false statement setting forth the date
36 when such person discovered that the person upon whom the
37 applicant was dependent was a victim and the circumstances that
38 prevented such person discovering that the person upon whom the
39 applicant was dependent was a victim until more than two years after
40 the date of the incident or offense. There shall be a rebuttable
41 presumption that a person who files such a statement and is otherwise
42 eligible for compensation under this chapter is entitled to
43 compensation. (5) Any waiver denied by the Office of Victim Services
44 under this subsection may be reviewed by a victim compensation
45 commissioner, provided such request for review is made by the
46 applicant within thirty days from the mailing of the notice of denial by
47 the Office of Victim Services. If a victim compensation commissioner
48 grants such waiver the commissioner shall refer the application for
49 compensation to the Office of Victim Services for a determination
50 pursuant to section 54-205.

51 Sec. 2. This act shall take effect from its passage.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost (Criminal Injuries Compensation Fund)

Affected Agencies: Judicial Department (Office of Victim Services)

Municipal Impact: None

Explanation

State Impact:

The bill could result in a cost to the Criminal Injuries Compensation Fund to the extent that additional claims for compensation are filed with the Office of Victim Services. The extent to which this may occur is unknown.

The Judicial Department currently receives an appropriation of \$1.9 million from the Criminal Injuries Compensation Fund to use for the compensation of crime victims. This level of appropriation is about the same as the level of revenue that the fund receives on an annual basis. The fund currently has a balance of \$1.4 million.

House Amendment "A" altered the level of potential cost in the bill by allowing crime victims' dependents rather than the crime victims themselves to apply for victim compensation under longer time frames than under current law.

OLR Amended Bill Analysis

sHB 5128 (as amended by House "A")*

AN ACT CONCERNING APPLICATIONS FOR PAYMENT OF CRIME VICTIMS' COMPENSATION.**SUMMARY:**

This bill allows crime victims' dependents to apply for crime victims' compensation (1) up to two years after they discover or reasonably should have discovered that the person upon whom they were dependent was victimized or (2) within 90 days after the bill's effective date, whichever is later. The applicant must sign a statement under penalty of false statement setting forth the date the victimization was discovered and why it took more than two years after the crime to discover it. The bill establishes a rebuttable presumption that a person is entitled to compensation if he files the statement and is otherwise eligible for compensation. By law, "dependent" means a deceased victim's (1) relatives who were wholly or partially dependent upon his income at the time of his death or (2) child born before or after his death.

The law continues to generally require crime victims, and their dependent relatives in cases of death, who are aware of their injuries when the crime is committed, to apply within two years after the date of injury or death.

*House Amendment "A" makes the bill applicable to crime victim's dependents rather than to the victims themselves. It also changes the bill's effective date from October 1, 2000 to upon passage.

EFFECTIVE DATE: Upon passage

BACKGROUND***Crime Victim Compensation***

The Office of Victim Services may compensate crime victims or their

immediate families when the victim is deceased, incapacitated, or a minor child, for reasonable and necessary expenses, lost wages, pecuniary losses, and other loss resulting from injury or death. Maximum awards are \$15,000 for personal injuries and \$25,000 for death. Eligible victims must have been injured or killed during (1) their attempt to prevent crime, aid police, or apprehend suspects; (2) attempts or actual commissions of crime by another person; (3) international terrorism; or (4) another person's violation of enumerated motor vehicle offenses.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0